

Panaji, 4th September, 2003 (Bhadra 13, 1925)

SERIES II No. 23

OFFICIAL GAZETTE



GOVERNMENT OF GOA

SUPPLEMENT

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

No. 10/4/99-LA(Vol. III)

The following Orders dated 8-2-2001, 14-2-2001, 2-2-2001, 3-1-2001, 11-1-2001, 5-1-2001 and 16-1-2001 received from the Government of India, Department of Mines, under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956 are hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 27th March, 2001.

GOVERNMENT OF INDIA

Ministry of Mines & Minerals

Department of Mines

The Controller of Mining Leases for India

Order

Case No. CML/Z-50/2001

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas 18 (Eighteen) cases were registered for the modification of terms of 18 mining leases dated as per enclosed list (Annexure-I) for Iron/Manganese held by M/s. Damodar Mangalji & Co. Ltd., Damodar Niwas, M.G. Road, P. Box, No. 32, Panaji Goa, for permanent period,

area 1154.3584 hectares in Village(s) as per enclosed list (Annexure-I) district North Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: Out of existing 18 (Eighteen) leases covering an area of 1154.3584 hectares, 995.8215 hectares area of 14 (Fourteen) leases is permitted for retention and 158.5369 hectares excess area of 4 (Four) leases is reduced under Modification as per list enclosed (Annexure I, II and III).
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. It is further clarified that the State Government of Goa (Lessor) shall pay compensation of the lessee under

Rule 9 of Mining Leases (Modification of Terms) Rules, 1956 for the area reduced due to Modification. The amount of compensation shall be determined in the manner & in accordance with the principles set out under Rule 10 of Mining Leases (Modification of Terms) Rules, 1956.

6. This order shall take effect from the date of this order.

7. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 8th February, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-50/2001

Name of the lessee : M/s. Damodar Mangalji & Co. Limited, Damodar Niwas, M.G. Road, Post Box No. 32, Panaji, Goa.

Date of the lease	} As per enclosed list (Annexure-I)
Mineral(s)	
Area and Location	

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - M/s. Damodar Mangalji & Co. Limited, Panaji, Goa, and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as per enclosed list held by the lessee.

The case was also taken up for hearing on 9-12-1999 enabling both the parties to put forward their

hearing on 9-12-1999 at Goa the
ed by his Advocate/representatives.
mitted objections letter stating:

i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.

ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16 (1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing and thereafter:-

iii) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.

iv) affidavit(s) date 6-12-1999 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

v) A copy of the letter(s) dated 5-11-1999 addressed to the Secretary, Industries & Mines, Government of Goa requesting for Government permission to hold by way of mining lease(s) a total area in excess of 10 sq. kms. under Section 6 (1) of the Mines & Minerals (Regulation & Development) Act, 1957 in view of modification under Mining Leases (Modification of Terms) Rules, 1956 undertaken by the Controller of Mining Leases.

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in mining area for which renewal application been made on the condition that the shall pay to the respondents from

commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- iii) that the Government permission to hold by way of mining lease(s) of a total area in excess of 10 sq. kms. under Section 6 (1) of Mines & Minerals (Regulation & Development) Act, 1957 has not been submitted by the lessee to this office so far. Thus, the modification of the lease(s) held by the lessee may be made as per the existing provisions of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. However, retention of excess area than

prescribed limit by the lessee may be considered by the State Government on receipt of the permission of the Central Government under said Act in due course.

6. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957. In this case, 995.8215 hectares area of 14 (Fourteen) leases is permitted for retention & 158.5369 hectares excess area of 4 (Four) leases is reduced as mentioned in the enclosed Annexures-I, II & III.
- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

7. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 8th February, 2001.

ANNEXURE-I

Details of 18 (Eighteen) Mining Leases held by M/s. Damodar Mangalji & Company Limited, in the State of Goa.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka District	Minerals	Number, date & Title	Area in (hects).
1	2	3	4	5	6	7
1.	Z-50	Costimol	Costi, Sanguem, South-Goa	Fe/Mn	11 of 24-2-1950	34.1559
2.	Z-161	Dobdobodo	Bicholim, Bicholim, North-Goa	Fe	11 of 4-2-1952	50.1250

1	2	3	4	5	6	7
3.	Z-271	Conuirem Savanvoril Dongor	Conquirem, Satari, North-Goa	Fe/Mn	18 of 6-3-1953	75.4000
4.	Z-286	Morsodo	Surla, Bicholim, Goa	Fe	33 of 24-4-1953	78.2740
5.	Z-448	Ambeavelem Bharad	Surla, Bicholim, Goa	Fe/Mn	1 of 14-1-1955	29.1400
6.	Z-523	Quitaltho E Colostembo Eporiem & Toleachea Adicodil Dongorarvalem	Eporiem, Satari, Bicholim, Goa	Fe	33 of 22-8-1956	97.7500
7.	Z-536	Vagunkahudo, Pipol Mold E Cinamol	Dabal, Sanguem, Goa	Fe	46 of 12-12-1956	64.3000
8.	Z-551	Periudoca, Masticulnachem, Advona	Santona, Sanguem, Goa	Fe	11 of 29-4-1957	64.6600
9.	Z-619	Masticulnachem, Advona	Santona, Sanguem, Goa	Fe	15 of 3-3-1958	92.0440
10.	Z-790	Teremola E Bandoratembo	Codli, Sanguem, Goa	Fe	26 of 22-8-1960	100.0000
11.	Z-524	Dobadjacentes	Sigao, Sanguem, Goa	Fe	34 of 22-8-1956	52.5060
12.	Z-779	Hoddecoddem	Cormonem & Calem, Sanguem, Goa	Fe	15 of 29-4-1960	100.0000
13.	Z-221	Zambod Viliena	Viliena, Sanguem, Goa	Fe/Mn	71 of 18-8-1952	30.0000
14.	Z-337	Solla	Colomba, Sanguem, Goa	Fe/Mn	84 of 28-8-1953	82.0000
15.	Z-295	Oriemol	Moicalem (Collem) Sanguem, Goa	Fe/Mn	42 of 25-5-1953	69.4335
16.	Z-329	Bibtamol	Sanvordem, Sanguem, Goa	Fe/Mn	76 of 10-8-1953	21.7500
17.	Z-586	Sanvoricoteacho Dando	Coremonem, Sanguem, Goa	Fe/Mn	45 of 14-10-1957	94.0800
18.		Band Donkol	Pissurlem, Satari, Goa	Fe	2/fe/71	18.7400
Total of 18 Leases						1154.3584

ANNEXURE-II

Details of 14 (Fourteen) Mining Leases held by M/s. Damodar Mangalji & Company Limited,
in the State of Goa, permitted for retention under MM (DR) Act, 1957.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka District	Minerals	Number, date & Title	Area in (hects).
1	2	3	4	5	6	7
1.	Z-271	Conuirem Savanvoril Dongor	Conquirem Satari, North-Goa	Fe/Mn	18 of 6-3-1953	75.4000
2.	Z-286	Morsodo	Surla, Bicholim, Goa	FE	33 of 24-4-1953	78.2740
3.	Z-448	Ambeavelem Bharad	Surla, Bicholim, Goa	Fe/Mn	1 of 14-1-1955	29.1400

1	2	3	4	5	6	7
4.	Z-523	Quitaltho E Colostembo Eporiem & Toleachea Adicodil Dongorarvalem	Eporiem, Satari, Bicholim, Goa	Fe	33 of 22-8-1956	97.7500
5.	Z-536	Vagunkahudo, Pipol Mold E Cinamol	Dabal, Sanguem, Goa	Fe	46 of 12-12-1956	64.3000
6.	Z-551	Periudoca, Masticulnachem, Advona	Santona, Sanguem, Goa	Fe	11 of 29-4-1957	64.6600
7.	Z-619	Masticulnachem, Advona	Santona, Sanguem, Goa	Fe	15 of 3-3-1958	92.0440
8.	Z-790	Teremola E Bandoratembo	Codli, Sanguem, Goa	Fe	26 of 22-8-1960	100.0000
9.	Z-779	Hoddecoddem	Cormonem & Calem, Sanguem, Goa	Fe	15 of 29-4-1960	100.000
10.	Z-221	Zambod Viliena	Viliena, Sanguem, Goa	Fe/Mn	71 of 18-8-1952	30.0000
11.	Z-337	Solla	Colomba, Sanguem, Goa	Fe/Mn	84 of 28-8-1953	82.0000
12.	Z-295	Oriemol	Moicalet (Collem) Sanguem, Goa	Fe/Mn	42 of 25-5-1953	69.4335
13.	Z-586	Sanvoricoteacho Dando	Coremonem, Sanguem, Goa	Fe/Mn	45 of 14-10-1957	94.0800
14.		Bond Donkol	Pissurlem, Satari, Goa	Fe	2/fe/71	18.7400
Total of 14 Leases						995.8215

ANNEXURE-II

Details of 4 (Four) Mining Leases held by M/s. Damodar Mangalji & Company Limited,
in the State of Goa, are reduced having excess area than prescribed under MM (DR) Act, 1957.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka District	Minerals	Number, date & Title	Area in (hects).
1	2	3	4	5	6	7
1.	Z-50	Costimol	Costi, Sanguem, Goa	Fe/Mn	11 of 24-2-1950	34.1559
2.	Z-161	Dobdobo	Bicholim, Bicholim, Goa	Fe	11 of 4-2-1952	50.1250
3.	Z-524	Dobadjacentes	Sigao, Sanguem, Goa	Fe	34 of 22-8-1956	52.5060
4.	Z-329	Bibtamol	Savordem, Sanguem, Goa	Fe/Mn	76 of 10-8-1953	21.7500
Total of 4 Leases						158.5369

Order

Case No. CML/Z-284/2001

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas 23 (Twenty three) cases were registered for the modification of terms of 23 mining leases dated as per list enclosed (Annexure-I) for Iron/Manganese Ore held by M/s. Chowgule & Company Ltd., Chowgule House, Goa-403-803 for permanent period, area 1681.5778 hectares in Village(s) as per list enclosed (Annexure-I) district of South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: Out of existing 23 leases covering of 1681.5778 hectares area, the area of 13 leases of 946.1237 hectares is permitted for retention and 735.4541 hectares excess area of 10 (Ten) leases is reduced under modification as per list enclosed as (Annexure I, II and III).
- (ii) Period: No change is made as the period of the lease(s) is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. It is further clarified that the State Government of Goa (Lessor) shall pay compensation to the lessee under Rule 9 of Mining Leases (Modification of Terms) Rules, 1956 for the area reduced due to Modification. The amount of compensation shall be determined in the manner & in accordance with the principles set out under Rule 10 of Mining Leases (Modification of Terms) Rules, 1956.

6. This order shall take effect from the date of this order.

7. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 14th February, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-284/2001

Name of the lessee : M/s. Chowgule & Co. Limited,
Chowgule House, Mormugao
Harbour, Goa-403 803.

Date of the lease

Mineral(s)

Area and Location

Period : Unlimited

} As per enclosed list

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - M/s Chowgule & Co. Limited, Mormugao Harbour, Goa-403803 and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as per enclosed list held by the lessee.

3. The case was also taken up for hearing on 9-12-1999 & 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 9-12-1999 & 21-2-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is

likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.

- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing and thereafter:-

- iii) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- iv) affidavit(s) dated 1st December, 1999 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).
- v) A copy of the letter(s) dated 6-12-1999, 10-6-2000 & 3-7-2000 addressed to the Secretary, Industries & Mines, Government of Goa requesting for Government permission to hold by way of mining lease(s) a total area in excess of 10 sq. kms. under Section 6 (1) of the Mines & Minerals (Regulation & Development) Act, 1957 in view of modification under Mining Leases (Modification of Terms) Rules, 1956 undertaken by the Controller of Mining Leases.

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by

the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- iii) that the Government permission to hold by way of mining lease(s) of a total area in excess of 10 sq. kms. under Section 6 (1) of Mines & Minerals (Regulation & Development) Act, 1957 has not been submitted by the lessee to this office so far. Thus the modification of the lease(s) held by the lessee may be made as per the existing provisions of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. However, retention of excess area than prescribed limit by the lessee may be considered by the State Government on receipt of the permission of the Central Government under said Act in due course.

6. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957

In this case, 946.1237 hectares area of 13 (thirteen) leases is permitted for retention & 735.4541

Hectares excess area of 10 (Ten) leases is reduced as mentioned in the enclosed Annexures-I, II, & III.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation &

Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 14th February, 2001.

ANNEXURE-I

Details of 23 (Twenty three) Mining Leases held by M/s Chowgule & Company Limited, in the State of Goa.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka/ /District	Minerals	Number, date & Title	Area in (hects).
1	2	3	4	5	6	7
1.	Z-284	Pale Dongor	Pale, Bicholim, Goa	Fe	31 of 24-4-1953	83.9730
2.	Z-531	Cutichem Tollem	Poncem, Satari, Goa	Fe/Mn	41 of 24-10-1956	68.6650
3.	Z-34	Goigonem	Mayem, Bicholim, Goa	Fe	13 of 18-11-1949	96.8500
4.	Z-677	Aldonaveddi-tar-adjts	Mahem, Bicholim, Goa	Fe	73 of 28-11-1958	100.0000
5.	Z-61	Partatembo	Costi, Sanguem, Goa	Fe	22 of 5-5-1950	62.7457
6.	Z-118	Casana Costimola, etc.	Costi, Sanguem, Goa	Fe	38 of 20-4-1951	45.1800
7.	Z-552	Bozruguro, Predio Pantovoril vall, etc.	Costi, Sanguem, Goa	Fe	12 of 29-4-1957	20.0000
8.	Z-657	Godemsod-do eter adjts	Sigao, Sanguem, Goa	Fe	53 of 22-9-1958	79.0090
9.	Z-674	Godamsod-do Goule vadd etc.	Sigao, Sanguem, Goa	Fe	70 of 24-11-1958	60.5389
10.	Z-655	Pateaoilo tembo, Coridongrao hem	Ambelim, Satari, Goa	Fe	51 of 22-9-1958	100.0000
11.	Z-478	Dangarvado outroz	Gavanem, Satari, Goa	Fe	31 of 30-7-1955	98.0800
12.	Z-656	Sastachoa dvoter adjts	Amona, Bicholim, Goa	Fe	52 of 22-9-1958	90.8000
13.	Z-243	Monte Udo	Colomba, Sanguem, Goa	Fe/Mn	93 of 14-11-1952	74.0050
14.	Z-428	Dongrado Goleacho dongor Mata e Carhal	Nadora, Bardez, Goa	Fe	30 of 19-4-1952	21.6000
15.	Z-310	Khuntiemolem	Sulcorna, Quepem, Goa	Fe/Mn	57 of 19-6-1953	99.3325

1	2	3	4	5	6	7
16.	Z-60	Deureamvoilo tembo	Vichundrem, Sanguem, Goa	Fe/Mn	21 of 5-5-1950	51.3287
17.	Z-583	Moransoddo Motto	Tudou, Sanguem, Goa	Fe	42 of 16-9-1957	91.4000
18.	Z-581	Peguaca-Juncho Tembo	Tudou, Sanguem, Goa	Fe	40 of 16-9-1957	80.4600
19.	Z-675	Deunacho Dongor	Sanvordem, Satari, Goa	Fe	71 of 28-11-1958	57.1000
20.	Z-566	Bimbol Dongor	Xelpe Curado, Satari, Goa	Fe	26 of 3-6-1957	100.0000
21.	Z-26	Cudptegaicho-Guer-Dongor	Sirigao, Bicholim, Goa	Fe	5 of 8-7-1949	75.2500
22.	Z-43	Govala	Maulinguem, Bicholim, Goa	Fe/Mn	4 of 13-1-1950	50.6500
23.	Z-248	Cazchemrame outroster adj	Onda, Satari, Goa	Fe	98 of 5-12-1952	74.6100
Total of 23 Leases						1681.5778

ANNEXURE-II

Details of 13 (Thirteen) Mining Leases held by M/s Chowgule & Company Limited, in the State of Goa, is permitted for retention under the MM (DR) Act, 1957.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka/District	Minerals	Number, date & Title	Area in (hects).
1	2	3	4	5	6	7
1.	Z-284	Pale Dongor	Pale, Bicholim Goa	Fe	31 of 24-4-1953	83.9730
2.	Z-531	Cutichem Tollem	Poncem, Satari, Goa	Fe/Mn	41 of 24-10-1956	68.6650
3.	Z-34	Goigonem	Mayem, Bicholim, Goa	Fe	13 of 18-11-1949	96.8500
4.	Z-677	Aldonaveddi-tar-adjts	Mahem, Bicholim, Goa	Fe	73 of 28-11-1958	100.0000
5.	Z-61	Partatembo,	Costi, Sanguem, Goa	Fe	22 of 5-5-1950	62.7457
6.	Z-118	Casana Costimola, etc.	Costi, Sanguem, Goa	Fe	38 of 20-4-1951	45.1800
7.	Z-552	Bozruguro, Predio, Pantovoril vall, etc	Costi, Sanguem, Goa	Fe	12 of 29-4-1957	20.0000
8.	Z-655	Pateaioilo tembo, Coridongrao hem	Ambelim, Satari, Goa	Fe	51 of 22-9-1958	100.0000
9.	Z-428	Dongrado Goleacho dongor Mata e Carhal	Nadora, Bardez, Goa	Fe	30 of 19-4-1952	21.6000
10.	Z-26	Cudptegaicho-Guer-Dongor	Sirigao, Bicholim, Goa	Fe	5 of 8-7-1949	75.2500

1	2	3	4	5	6	7
11.	Z-583	Moransoddo Motto	Tudou, Sanguem, Goa	FE	42 of 16-9-1957	91.4000
12.	Z-581	Peguaca-Juncho Tembo	Tudou, Sanguem, Goa	FE	40 of 16-9-1957	80.4600
13.	Z-566	Bimbol dongor	Xelpo Curado, Satari, Goa	FE	26 of 3-6-1957	100.0000
Total of 14 Leases						946.1237

ANNEXURE-III

Details of 10 (Ten) Mining Leases held by M/s. Chowgule & Company Limited, in the State of Goa, are reduced, having excess area than the prescribed area under the MM the (DR) Act, 1957.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka/ /District	Minerals	Number, date & Title	Area in (hects).
1	2	3	4	5	6	7
1.	Z-310	Khuntiemolem	Sulcorna, Quepem, Goa	FE/MN	57 of 19-6-1953	99.3325
2.	Z-60	Deureamvoilo tembo	Vichundrem, Sanguem, Goa	FE/MN	21 of 5-5-1950	51.3287
3.	Z-675	Deunacho Dongor	Sanvordem, Satari, Goa	FE	71 of 28-11-1958	57.1000
4.	Z-43	Govala	Maulinguem, Bicholim, Goa	FE/MN	4 of 13-1-1950	50.6500
5.	Z-248	Cazchemrame outroster adj	Onda, Satari, Goa	FE	98 of 5-12-1952	74.6100
6.	Z-478	Dangarvado Outroz	Gavanem, Satari, Goa	FE	31 of 30-7-1955	98.0800
7.	Z-674	Godamsod-do, Goule Vadd etc.	Sigao, Sanguem, Goa	FE	70 of 24-11-1958	60.5389
8.	Z-243	Monte Udo	Colomba, Sanguem, Goa	FE	93 of 14-11-1952	74.0050
9.	Z-656	Sastachoa dvoter adjts	Amona, Bicholim, Goa	FE	52 of 22-9-1958	90.8000
10.	Z-657	Godemsod-do eter adjts	Sigao, Sanguem, Goa	FE	53 of 22-9-1958	79.0090
Total of 10 Leases						735.4541

Order

Case No. CML/Z-403/2001

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas 13 (Thirteen) cases were registered for the modification of terms of 13 mining leases dated as per enclosed list (Annexure-I) for Iron/Manganese held by M/s. V. S. Dempo & Co. Ltd., Vasco-da-Gama, Goa for permanent period area 1096.0173 Hectares in Village(s) as per enclosed list (Annexure-I) district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: Out of existing 13 (Thirteen) leases covering 1096.0173 hectares area of 998.3398 hectares area of 12 (Twelve) leases is permitted for retention and 97.6775 hectares excess area of (1) one lease is reduced under Modification as per list enclosed. (Annexure I, II and III).
- (ii) Period: No change is made as the period for the lease(s) is already modified as per provisions of the Goa, Daman & Diu, Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development), Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. It is further clarified that the State Government of Goa (Lessor) shall pay compensation to the lessee under Rule 9 of Mining Leases (Modification of Terms) Rules, 1956 for the area reduced due to Modification. The amount of compensation shall be determined in the manner & in accordance with the principles set out under Rule 10 of Mining Leases (Modification of Terms) Rules, 1956.

6. This order shall take effect from the date of this order.

7. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Sd/- C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 2nd February, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-403/2001

Name of the lessee : M/s V. S. Dempo & Company Limited,
Dempo House, Campal
Panjim, Goa-403 001.

Date of the lease	}	As per enclosed list
Mineral(s)		
Area and Location		
Period	:	Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - M/s V. S. Dempo & Company, Limited, Panjim Goa, and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as per enclosed list held by the lessee.

3. The case was also taken up for hearing on 14-1-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 14-1-2001 at Goa, the lessee was represented by his Advocate/representative. The lessee has submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived

likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.

- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing and thereafter:-

- iii) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- iv) affidavit(s) date 15-1-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).
- v) A copy of the letter(s) dated 7-4-2000 address to the Secretary, Industries & Mines, Government of Goa requesting for Government permission to held by way of mining lease(s) a total area in excess of 10 sq. kms. under Section 6 (1) of the Mines & Minerals (Regulation & Development) Act, 1957 in view of modification under Mining Leases (Modification of Terms) Rules, 1956 undertaken by the Controller of Mining Leases.

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will

also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- iii) that the Government permission to hold by way of mining lease(s) of a total area in excess of 10 sq. kms. under Section 6 (1) of Mines & Minerals (Regulation & Development) Act, 1957 has not been submitted by the lessee to this office so far. Thus the modification of the lease(s) held by the lessee may be made as per the existing provisions of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. However, retention of excess area than prescribed limit by the lessee may be considered by the State Government on receipt of the permission of the Central Government under said Act in the course.

6. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, 998.3398 Hectares area of 12 (Twelve) leases is permitted for retention & 97.6775 Hectares excess area of 1 (one) leases is reduced as mentioned in the enclosed Annexures-I, II, & III.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f.

1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 2nd February, 2001.

ANNEXURE-I

Details of 13 (Thirteen) Mining Leases held by M/s. V. S. Dempo & Company Limited, in the State of Goa.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka District	Minerals	Number, date & Title	Area in (hects).
1	2	3	4	5	6	7
1.	Z-403	Onvalinchi Math	Sonus-Vonvoliem, Satari, Goa	Iron Ore	5 of 22-1-1954	96.6448
2.	Z-418	Onvaliechem Paltona	Surla, Bicholim, Goa	Iron	20 of 5-3-1954	90.9542
3.	Z-419	Tolpi e Mardando	Surla, Bicholim, Goa	Iron	21 of 5-3-1954	65.7940
4.	Z-46	Culnavoril	Dudhal, Sanguem, Goa	Iron & Manganese	7 of 30-1-1950	38.8428
5.	Z-187	Candulgo	Colomba, Sanguem, Goa	Iron & Manganese	37 of 4-4-1952	100.0000
6.	Z-123	Navientil Galivoril Advona	Aglote, Sanguem, Goa	Iron & Manganese	43 of 18-5-1951	95.0800
7.	Z-245	Marsoda	Pissurlem, Satari, Goa	Iron & Manganese	95 of 14-11-1952	98.3770
8.	Z-185	Tombesodo	Carapur, Bicholim, Goa	Iron	35 of 4-4-1952	98.4600
9.	Z-781	Gorbaim Golacho	Navelim, Bicholim, Goa	Iron	17 of 29-4-1960	70.6870
10.	Z-237	Chedu Dongor	Neum, Canacona, Goa	Iron	87 of 18-10-1952	92.5000
11.	Z-717	Rajabaga	Cananguinium, Canacona, Goa	Iron & Manganese	37 of 10-8-1959	100.0000
12.	Z-438	Sem Denominacao	Curpem, Sanguem, Goa	Iron & Manganese	40 of 22-10-1954	51.0000
13.	Z-84	Sem Denominacao	Curpem, Sanguem, Goa	Iron & Manganese	3 of 19-1-1951	97.6775
Total of 13 Leases						1096.0173

ANNEXURE-II

Details of 12 (Twelve) Mining Leases held by M/s V. S. Dempo & Company Limited, in the State of Goa permitted for retention under MM (DR) Act, 1957.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka/ District	Minerals	Number, date & Title	Area in (hects).
1	2	3	4	5	6	7
1.	Z-403	Onvalinchi Math	Sonus-Vonvoliem, Satari, Goa	Iron Ore	5 of 22-1-1954	96.6448
2.	Z-418	Onvaliechem Paltona	Surla, Bicholim, Goa	Iron	20 of 5-3-1954	90.9542
3.	Z-419	Tolpi e Mardando	Surla, Bicholim, Goa	Iron	21 of 5-3-1954	65.7940
4.	Z-46	Culnavoril	Dudhal, Sanguem, Goa	Iron & Manganese	7 of 30-1-1950	38.8428
5.	Z-187	Candulgo	Colomba, Sanguem, Goa	Iron & Manganese	37 of 4-4-1952	100.0000
6.	Z-123	Navientil Galivoril Advona	Aglote, Sanguem, Goa	Iron & Manganese	43 of 18-5-1951	95.0800
7.	Z-245	Marsoda	Pissurlem, Satari, Goa	Iron & Manganese	95 of 14-11-1952	98.3770
8.	Z-185	Tombesodo	Carapur, Bicholim, Goa	Iron	35 of 4-4-1952	98.4600
9.	Z-781	Gorbaim Golacho	Navelim, Bicholim, Goa	Iron	17 of 29-4-1960	70.6870
10.	Z-237	Chedu Dongor	Neum, Canacona, Goa	Iron	87 of 18-10-1952	92.5000
11.	Z-717	Rajabaga	Cananguinium, Canacona, Goa	Iron & Manganese	37 of 10-8-1959	100.0000
12.	Z-438	Sem Denominacao	Curpem, Sanguem, Goa	Iron & Manganese	40 of 22-10-1954	51.0000
Total of 12 Leases						998.3398

ANNEXURE-II

Details of 1 (One) Mining Lease held by M/s. V. S. Dempo & Company Limited, in the State of Goa is reduced having excess area than prescribed under MM (DR) Act, 1957.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka District	Minerals	Number, date & Title	Area in (hects).
1	2	3	4	5	6	7
1.	Z-84	Sem Denominacao	Curpem, Sanguem, Goa	Iron & Manganese	3 of 19-1-1951	97.6775
Total of one Lease						97.6775

Order

Case No. CML/Z-514

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 16-5-1956 (25/26) for Fe/Mn held by Shri Xec Cadar Xec Usman, Panjim, Goa for permanent period area 40.2900 hectares in Village(s) Codli, Taluka-Sanguem, District Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 40.2900 hectares, only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area, used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 3rd January, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML-Z-514

Name of the lessee : Shri Xec Cadar Xec Usman
P. O. Box No. 63,
Rua Governador Postane,
Panaji, Goa.

Date of the lease : 16-5-1956 (25/56)

Mineral(s) : FE/MN

Area and Location : 40.2900 hec
Vill: Codli
Tal : Sanguem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Xec Cadar Xec Usman, Panaji Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 16-5-1956 held by the lessee.

3. The case was also taken up for hearing on 15-5-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish return within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 7-4-2000. However no representative was present from the State Government of Goa, on the date of hearing.

5. It would be relevant to mention -

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th

January, 1966 which confer powers to Controller of Mining leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa be modified as Section 16 of Mines and Minerals (Regulation and Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 15-5-2000 the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to ten sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation and Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 3rd January, 2001.

Order

Case No. CML/Z-296/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 25-5-1953 (43/53) for Fe/Mn held by Shri Noor Mohd. Abdul Karim, Margao, Goa for permanent period area 34.2200 hectares in Village(s) Curpem, Taluka-Sanguem, District Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 34.2200 hectares, only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 3rd January, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-296

Name of the lessee : Shri Noor Mohd. Karim,
Margaon, Goa.

Date of the lease : 25-5-1953 (43/53)

Mineral(s) : Fe/Mn

Area and Location : 34.2200 hecets.
Village: Curpem
Taluka: Sanguem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee — Shri Noor Mohd. Karim, Margaon, Goa and the lessor — the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated held by the lessee.

3. The case was also taken up for hearing on 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish return within the stipulated time under sub-rule (1) of Rule 5 of

Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 18-2-2000. However no representative was present from the State Government of Goa, on the date of hearing.

5. It would be relevant to mention —

i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa be modified as Section 16 of Mines and Minerals (Regulation and Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-Rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 21-2-2000 the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the

circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation and Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 3rd January, 2001.

Order

Case No. CML/Z-500

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 11-4-1956 (11/56) for Iron held by Smt. Kishori Gopinath Garco, Margao, Goa for permanent period area 93.9500 hectares in Village(s) Molcornem, Taluka-Quepem, District Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of the lease is limited to 93.9500 hectares, only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 3rd January, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-500

Name of the lessee : Smt. Kishori Gopinath Gargo
Marsha Building
Comba, Margao, Goa.

Date of the lease : 11-4-1956 (11/56)

Mineral(s) : Iron

Area and Location : 93.9500 hecets.
Village: Molcornem
Taluka: Quepem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee — Smt. Kishori Gopinath Gargo, Margao, Goa and the lessor — the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 11-4-1956 held by the lessee.

3. The case was also taken up for hearing on 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish return within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 21-1-2000. However no representative was present from the State Government of Goa, on the date of hearing.

5. It would be relevant to mention —

i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa be modified as Section 16 of Mines and Minerals (Regulation and Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint

is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conforming with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-Rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Lease on 21-2-2000 the date fixed for hearing at Goa as required under sub-Rule (13) of rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 sq. km.

ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Development and Regulation) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 3rd January, 2001.

Order

Case No. CML/Z-115

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 20-4-51 (35/51) for Fe/Mn held by Shri Gajanana Pondori Naique Cormoli, Goa for permanent period area 79.9350 hectares in Village(s) Rivona, Taluka-Sanguem, District Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 79.9350 hectares, only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 3rd January, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-115

Name of the lessee : Shri Gajanana Pondori Naique
Carmoli, Goa.

Date of the lease : 20-4-1951 (35/51)

Mineral(s) : Fe/Mn

Area and Location : 79.9350 hecets.
Village: Rivona
Taluka: Sanguem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee – Shri Gajanana Pondori Naique, Carmoli, Goa and the lessor – the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 20-4-1951 held by the lessee.

3. The case was also taken up for hearing on 15-5-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish return within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 7-4-2000. However no representative was present from the State Government of Goa, on the date of hearing.

5. It would be relevant to mention –

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.
- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to

the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation and Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 15-5-2000 the date fixed for hearing at Goa as required under sub-Rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per

the provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 3rd January, 2001.

Order

Case No. CML/Z-443

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 6-12-1954 (45/54) for Iron held by Shri Balcrisna Ananta Aude, Margao, Goa, for permanent period area 85.7200 hectares in Village(s) -Sangod, Taluka-Sanguem, District Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 85.7200 hectares only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of

mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 3rd January, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-443

Name of the lessee : Shri Balcrisna Ananta Aude
C/o Shantilal Khushaldas &
Bros. Pvt. Ltd.
Gosalia Bldg. P B. No. 35,
Margao, Goa.

Date of the lease : 6-12-1954 (45/54)

Mineral(s) : Iron

Area and Location : 85.7200 hecets.
Village: Sangod
Taluka: Sanguem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Balcrisna Ananta Aude, Margao, Goa and the lessor the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made

in the mining lease deed dated 6-12-1954 held by the lessee.

3. The case was also taken up for hearing on 15-5-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish return within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 7-4-2000. However no representative was present from the State Government of Goa, on the date of hearing.

5. It would be relevant to mention -

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.
- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation and Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals

(Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-Rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 15-5-2000 the date fixed for hearing at Goa as required under sub-Rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation and Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 3rd January, 2001.

Order

Case No. CML/Z-364

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 16-10-1953 (111/53) for

Fe/Mn held by Shri Jaganath Ghanekar, Ponda, Margao, Goa for permanent period area 55.3000 hectares in Village(s) Dabolim, Taluka-Ponda, District Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 55.3000 hectares only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 3rd January, 2001.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS OF
THE PARTIES & REASONS FOR THE ORDER**

Case No. CML/Z-364

Name of the lessee : Shri Jaganath Ghanekar
Ponda, Margao Goa

Date of the lease : 16-10-1953 (111/53)

Mineral(s) : Fe/Mn

Area and Location : 55.3000 hecets.
Village: Dabolim
Taluka: Ponda

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee – Shri Jaganath Ghanekar, Ponda, Margao Goa and the lessor – the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 16-10-1953 held by the lessee.

3. The case was also taken up for hearing on 15-5-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish return within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 7-4-2000. However no representative was present from the State Government of Goa, on the date of hearing.

5. It would be relevant to mention –

i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation

& Development) Act, 1957 became applicable to Goa w.e.f. 1st October 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa be modified as Section 16 of Mines and Minerals (Regulation and Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 15-5-2000 the date fixed for hearing at Goa as required under sub-Rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

i) that the area of the lease(s) should be modified without affecting the area under active mining

operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation and Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 3rd January, 2001.

Order

Case No. CML/Z-430

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 23-7-1954 (32/54) for Fe/Mn held by M/s. Kashinath Damodar Naik, Margao, Goa for permanent period area 64.7100 hectares in Village(s) Talauli, Taluka-Sanguem, District Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 64.7100 hectares, only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 3rd January, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-430

Name of the lessee : M/s. Kashinath Damodar Naik,
Lakshmi Bldg. P. O. Box No. 7,
Margao Goa.

Date of the lease : 23-7-1954 (32/54)

Mineral(s) : Fe/Mn

Area and Location : 64.7100 hecets.
Village: Talauli
Taluka: Sanguem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee – M/s Kashinath Damodar Naik, Margao, Goa and the lessor – the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 23-7-1954 held by the lessee.

3. The case was also taken up for hearing on 26-6-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish return within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 8-5-2000. However no representative was present from the State Government of Goa, on the date of hearing.

5. It would be relevant to mention –

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.
- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of

the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation and Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 26-6-2000 the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation and Development) Act, 1957. In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 3rd January, 2001.

Order

Case No. CML/Z-481

**[Under Rule 6 of the Mining Leases
(Modification of Terms) Rules, 1956]**

Whereas a case was registered for the modification of terms of a mining lease dated 13-8-1955 (34/55) for Fe held by M/s Sociedade Zarapcar Parkar, Ltd. Mapuca, Goa for permanent period area 98.3095 acres/ hectares in Village(s) Dabal, Taluka-Sanguem, District-Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

- (i) Area: The area of the lease is limited to 98.3095 hectares, only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 3rd January, 2001.

**NOTE EMBODYING THE FACTS OF CASE,
PLEAS OF THE PARTIES & REASONS
FOR THE ORDER**

Case No. CML-Z-481

Name of the lessee : M/s. Sociedade Zarapcar Parkar, Ltd. Mapuca, Goa

Date of the lease : 13-8-1955 (34/55)

Mineral(s) : Fe

Area and Location : 98.3095 hec
Village: Dabal
Taluka: Sanguem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - M/s. Sociedade Zarapcar, Ltd. Mapuca, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 13-8-1955 held by the lessee.

3. The case was also taken up for hearing on 15-5-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish returns within the stipulated time under sub-Rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 7-4-2000. However no representative was present from the State Government of Goa on the date of hearing.

5. It would be relevant to mention—

i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to

Controller of Mining Leases for modification of mining leases) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation and Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further the lessee(s) failed to furnish returns within the stipulated time under sub-Rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 18-5-2000 the date fixed for hearing at Goa as required under sub-Rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to Ten sq. km.

ii) That the period of lease(s) should be modified and the maximum period of the lease(s) should not be more

than the period prescribed under Mines and Minerals (Regulation and Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 3rd January, 2001.

Order

Case No. CML/Z-335

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 28-8-1953 (82/53) for Fe/Mn held by M/s Gasa Goa Mining Enterprises, Vasco-de-Gama, Goa for permanent period area 96.8500 acres/hectares in Village(s) Sangod, Taluka-Sanguem, District Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

- (i) Area: The area of the lease is limited to 96.8500 hectares only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of

mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 3rd January, 2001.

**NOTE EMBODYING THE FACTS OF CASE,
PLEAS OF THE PARTIES & REASONS FOR
THE ORDER**

Case No. CML-Z-335

Name of the lessee : M/s. Gasa Goa Mining Enterprises, Vasco-da-Gama, Goa.

Date of the lease : 28-8-1953 (82/53)

Mineral(s) : Fe/Mn

Area and Location : 96.8500 hecets.
Village: Sangod
Taluka: Sanguem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee — M/s. Gasa Goa Mining Enterprises, Vasco-de-Gama, Goa and the lessor — the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 28-8-1953 held by the lessee.

3. The case was also taken up for hearing on 26-6-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish returns within the stipulated time under sub-Rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 8-5-2000. However no representative was present from the State Government of Goa on the date of hearing.

5. It would be relevant to mention—

i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-Rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 26-6-2000 the date fixed for hearing at Goa as required under sub-Rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the

circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to Ten sq. km.

ii) That the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation and Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 3rd January, 2001.

Order

Case No. CML/Z-411

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 19-2-1954 (13/54) for Fe/Mn held by Smt. Ramabai Ananta Avde, Avadem, Quepem, Goa for permanent period area 29.8500 acres/hectares in Village(s) Curdi, Taluka-Sanguem, District Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

(i) Area: The area of the lease is limited to 29.8500 hectares, only.

(ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.

(iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 3rd January, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML-Z-411

Name of the lessee : Smt. Ramabai Ananta Avde,
Avadem, Quepem, Goa

Date of the lease : 19-2-1954 (13/54)

Mineral(s) : Fe/Mn

Area and Location : 29.8500 hec
Village: Curdi
Taluka: Sanguem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee – Smt. Ramabai Ananta Avede, Quepem, Goa and the lessor – the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 19-2-1945 held by the lessee.

3. The case was also taken up for hearing on 26-6-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish returns within the stipulated time under sub-Rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 8-5-2000. However no representative was present from the State Government of Goa on the date of hearing.

5. It would be relevant to mention—

i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with

all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further the lessee(s) failed to furnish returns within the stipulated time under sub-Rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 26-6-2000 the date fixed for hearing at Goa as required under sub-Rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to Ten sq. km.

ii) That the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation and Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Order

Case No. CML/Z-550/2001

The following mining lease(s) in respect of M/s Damodar Mangalji & Co. Ltd., P. B. No. 32 Panjim, Goa has been registered in this office for modification as per provisions of Mines and Minerals Regulation & Development) Act, 1957 and the rules made thereunder:

1. Case No. : Z-550
2. T. C. No. & date of lease : 10 of 25-3-1957
3. Denomination of Mine : Oiteiro Matir
4. Location: Village: Candola "Matir"
Taluka: Ponda
Distt : Goa
5. Mineral : Iron
6. Area : 95.0936 hectares.

2. This office has issued Show Cause Notice to M/s Damodar Mangalji & Co., Mahatma Gandhi Road, P. O. Box No. 32, Panjim, Goa-403 001 under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956 vide letter No. CML/Z-550/99 dated 4-10-99 (T.C. No. 10 dt. 25-3-1957) endorsing a copy of this Show Cause Notice to the State Govt. of Goa, Industries & Mines, Deptt., Panjim, Goa (Lessor).

3. The hearing of the above lease was held on 9-12-1999 at Goa. During the hearing, lessee's representative was present but no representative of State Govt. of Goa was present. The lessee has informed vide his letter No. 903-D dt. 2nd December, 1999 that now it is not economical to work the above referred Mining Concession, the lessee has also conveyed his intention to surrender the above referred Mining Leases which is deemed to be surrendered to the State Govt. of Goa, after the commencement of Goa, Daman & Diu Mining Concession (Abolition & Declaration as Mining Leases) Act, 1957.

It is, therefore, on the basis of information received from the lessee regarding surrender of above mining lease, covering an area of 95.0936 hec., it is, hereby, the case is closed and filed from this end.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2001.

Order

Case No. CML/Z-611/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 20-1-1958 (7/58) for Iron held by Shri Caetano Francisco C. de Souza, Mine Owner, Sanquelim, Goa for permanent period area 99.4800 hectares in Village(s) Coleim, Taluka-Sanguem, District South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

- (i) Area: The area of the lease is limited to 96.4800 hectares, only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2001.

**NOTE EMBODYING THE FACTS OF CASE,
PLEAS OF THE PARTIES & REASONS
FOR THE ORDER**

Case No. CML-Z-611/2000

Name of the lessee : Shri Caetano Francisco C. De
Souza, Mine Owner, Sanquelim,
Goa.

Date of the lease : 7 of 20-1-1958

Mineral(s) : Iron

Area and Location : 96.4800 hectares,
Vill: Colem
Tal: Sanguem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- ii) Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, a show cause notice containing the proposals for modification of the above mentioned mining lease(s) was sent on 30-8-1999 to the lessee Shri Caetano Francisco C. de Souza and the lessor – the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 20-1-1958 held by the lessee. The case was also taken up for hearing on 28-8-1999 at Goa for enabling both the parties to put forward their case. The above show cause notice was, however, returned by the postal authorities undelivered.

3. Therefore, as per Rule 15 (b) of the Mining Leases (Modification of Terms) Rules, 1956, this office has published the show cause notice to bring in the knowledge of the lessee on 24th & 25th September, 2000 in the three local newspaper, namely (i) Tarun Bharat (ii) Navhind & (iii) Gomantak of Goa where the lease(s) is situated. It was directed to submit the reply to the show cause notice within 30 days from the date of notification and also send the return as per the schedule under rule 5 (1) of the Mining Leases (Modification of Terms) Rules, 1956 to this office. The case was also taken up for hearing on 28-9-1999 at Goa for enabling lessee and lessor to put forward their case before the modification.

The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the

purpose. The lessee has also failed to furnish returns within the stipulated time under sub-Rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice. However, no representative from the State Government was also present on the date of hearing at Goa.

4. It would be relevant to mention—

i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation and Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

5. Under the above circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Keeping aforesaid facts in view, my findings are given hereunder:

i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 (Ten) sq. km.

ii) That the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation and Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2001.

Order

Case No. CML/Z-224/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mineral mining lease dated 22-8-1952 (74/52) for Iron/Manganese held by Soc. Vernecar & Cia Ltd of Surla, Goa for permanent period area 100.0000 hectares in Village(s) Surla, Taluka-Bicholim, District North Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

- (i) Area: The area of the lease is limited to 100.0000 hectares, only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML-Z-224/2000

Name of the lessee : Sociedade Vernecar & Cia
Limited, Mine Owner,
Surla, Goa.

Date of the lease : 22-8-1952 (74/52)

Mineral(s) : Iron/ Manganese

Area and Location : 100.0000 hectares,
Vill: Surla
Tal: Bicholim

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, a show cause notice containing the proposals for modification of the above mentioned mining lease was sent on 29-2-2000 to the lessee Soc. Vernecar & Cia Ltd, and the lessor the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 22-8-1952 held by the lessee. The case was also taken up for hearing on 11-4-2000 at Goa for enabling both the parties to put forward their case. The above show cause notice was, however, returned by the postal authorities undelivered.

3. Therefore, as per Rule 15 (b) of the Mining Leases (Modification of Terms) Rules, 1956, this office has published the show cause notice to bring in the knowledge of the lessee on 24th & 25th September 2000 in the three local newspaper, namely (i) Tarun Bharat (ii) Navhind & (iii) Gomantak of Goa where the lease(s) is situated. It was directed to submit the reply to the show cause notice within 30 days from the date of notification and also send the return as per the schedule under rule 5 (1) of the Mining Leases (Modification of Terms) Rules, 1956 to this office. The case was also taken up for hearing on 11-4-2000 at Goa for enabling lessee and lessor to put forward their case before the modification.

The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish returns within the stipulated time under sub-Rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice. However no representative from the State Government was also present on the date of hearing at Goa.

4. It would be relevant to mention—

i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the

amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation and Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

5. Under the circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Keeping aforesaid facts in view, my findings are given hereunder:

i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 (Ten) sq. km.

ii) That the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2001.

Order

Case No. CML/Z-701/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 8-6-1959 (21/59) for Iron/Manganese held by Smt. Mirabai Garce w/o late Shri Panduronga Sinai Garce, P. B. No. 204, Margao, Goa for permanent period, area 87.3700 hectares in Village(s) Conquirem, Taluka Satari, district North Goa of Goa State

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 87.3700 hectares only.
- (ii) Period: No change is made as the period of the lease is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 11th January, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-701/2000

Name of the lessee : Smt. Mirabai Garce w/o
Shri Panduronga Sinai Garce,
Importer & Exporter,
Post Box No. 204,
Margao-Goa.

Date of the lease : 21 of 8-6-1959

Mineral(s) : Iron & Manganese

Area and Location : 87.3700 hectares
Village: Conquirem
Taluka: Satari

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of Mining Leases (Modification of Terms) Rules, 1956, a show cause notice containing the proposals for modification of the above mentioned mining lease(s) was sent on 7-4-2000 to the lessee - Shri Panduronga Sinai Garco, and the lessor, the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 9-5-1959 held by the lessee. The case was also taken up for hearing on 15-5-2000 at Goa for enabling both the parties to put forward their case. The above show cause notice was, however, returned by the postal authorities undelivered.

3. Therefore, as per Rule 15 (b) of the Mining Leases (Modification of Terms) Rules, 1956, this office has published the show cause notice to bring in the knowledge of the lessee on 24th & 25th September, 2000 in the three local newspapers, namely (i) Tarun Bharat (ii) Navhind & (iii) Gomantak of Goa where the lease(s) is situated. It was directed to submit the reply to the show cause notice within 30 days from the date of notification and also send the return as per the schedule under Rule 5(1) of the Mining Leases (Modification of Terms) Rules, 1956 to this office. The case was also taken up for hearing on 15-5-2000 at Goa for enabling lessee and lessor to put forward their case before the modification.

The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish the

returns within the stipulated time under sub-rule (1) of the Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice. However, no representative from the State Government was also present on the date of hearing at Goa.

4. It would be relevant to mention—

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w. e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.
- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal application have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modifications of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

5. Under the above circumstances, there is no alternative than to proceed exparte for modification of the lease(s) on the basis of information available with this office, to bring this lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining

operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 (Ten) sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2001.

Order

Case No. CML/Z-627/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 13-6-1958 (23/58) for Iron & Manganese held by Shri Roguvir Xamba Naique of Mapuca, Goa, for permanent period, area 98.8870 hectares in Village(s) Navelim, Taluka: Bicholim, district North Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 98.8870 hectares only.
- (ii) Period: No change is made as the period of the lease is already modified as per the provisions of the Goa, Daman & Diu as Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2001.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS
OF THE PARTIES & REASONS FOR THE ORDER**

Case No. CML/Z-627/2000

Name of the lessee : Shri Roguvir Xamba Naique,
Mapuca, Goa

Date of the lease : 13-6-1958 (23/58)

Mineral(s) : Iron/Manganese.

Area and Location : 98.8870 hecets.
Village: Navelim
Taluka: Bicholim

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of Mining Leases (Modification of Terms) Rules, 1956, a show cause notice containing the proposals for modification of the above mentioned mining lease(s) was sent on 7-4-2000 to the lessee Shri Roguvir Xamba Naique and the lessor, the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 13-6-58 held by the lessee. The case was also taken up for hearing on 15-5-2000 at Goa for enabling both the parties to put forward their case. The above show cause notice was, however, returned by the postal authorities undelivered.

3. Therefore, as per Rule 15 (b) of the Mining Leases (Modification of Terms) Rules, 1956, this office has

published the show cause notice to bring in the knowledge of the lessee on 24th & 25th September, 2000 in the three local newspapers, namely (i) Tarun Bharat (ii) Navhind & (iii) Gomantak of Goa where the lease(s) is situated. It was directed to submit the reply to the show cause notice within 30 days from the date of notification and also send the return as per the schedule under Rule 5(1) of the Mining Leases (Modification of Terms) Rules, 1956 to this office. The case was also taken up for hearing on 15-5-2000 at Goa for enabling lessee and lessor to put forward their case before the modification.

The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish the returns within the stipulated time under sub-Rule (1) of the Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice. However, no representative from the State Government was also present on the date of hearing at Goa.

4. It would be relevant to mention—

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w. e. f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.
- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal application have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modifications of terms of the existing mining lease(s) to bring in conformity

with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

5. Under the above circumstances, there is no alternative than to proceed exparte for modification of the lease(s) on the basis of information available with this office, to bring this lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 (Ten) sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2001.

Order

Case No. CML/Z-472/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 9-7-1955(25/55) for Iron/ Manganese held by Shri Caxinata Panduranga Parcar of Curchorem, Goa for permanent period, area 68.8000 hectares in Village(s): Darbandore, Taluka: Sanguem district South Goa, of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 68.8000 hectares only.
- (ii) Period: No change is made as the period of the lease is already modified as per the provisions

of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-472/2000

Name of the lessee	: Shri Kashinath Pandurang Shet Parker, Importers-Exporters, General Merchants, Mine owner, Sanvordem-Curchorem, Goa.
Date of the lease	: 25 of 9-7-1955
Mineral(s)	: Iron & Manganese
Area and Location	: 68.8000 hectares Village - Darbandore Taluka - Sanguem
Period	: Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of Mining Leases (Modification of Terms) Rules, 1956, a show cause notice containing the proposals for modification of the above mentioned mining lease(s) was sent on 7-4-2000 to the lessee - Shri Kashinath S. Parker, and the lessor, the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 9-7-1955 held by the lessee. The case was also taken up for hearing on 15-5-2000 at Goa for enabling both the parties to put forward their case. The above show cause notice was, however, returned by the postal authorities undelivered.

3. Therefore, as per Rule 15 (b) of the Mining Leases (Modification of Terms) Rules, 1956, this office has published the show cause notice to bring in the knowledge of the lessee on 24th & 25th September, 2000 in the three local newspapers, namely (i) Tarun Bharat (ii) Navhind & (iii) Gomantak of Goa where the lease(s) is situated. It was directed to submit the reply to the show cause notice within 30 days from the date of notification and also send the return as per the schedule under Rule 5(1) of the Mining Leases (Modification of Terms) Rules, 1956 to this office. The case was also taken up for hearing on 15-5-2000 at Goa for enabling lessee and lessor to put forward their case before the modification.

The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish the returns within the stipulated time under sub-Rule (1) of the Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice. However, no representative from the State Government was also present on the date of hearing at Goa.

4. It would be relevant to mention—

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w. e. f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease (s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.
- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area

for which renewal application have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modifications of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

5. Under the above circumstances, there is no alternative than to proceed exparte for modification of the lease(s) on the basis of information available with this office, to bring this lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 (Ten) sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2001.

Order

Case No. CML/Z-446/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 6-12-1954(48/54) for Iron/Manganese held by Shri Peter Francis Fernandes, legal heir of Salvador Fernandes for permanent period, area 80.9500 hectares in Village(s): Curpem & Curdi, Taluka: Sanguem, district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 80.9500 hectares only.
- (ii) Period: No change is made as the period of the lease is already modified as per provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 11th January, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-446/2000

Name of the lessee : Shri Peter Francis Fernandes,
Legal heir of Salvador Fernandes,

House No. 5A,
Cotto, Sanguem, Goa.

Date of the lease : T. C. No. 48 of 6-12-1954
Mineral(s) : 80.9500 hectares
Area and Location : Village: Curpem & Curdi,
Taluka : Sanguem
Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of Mining Leases (Modification of Terms) Rules, 1956, a show cause notice containing the proposals for modification of the above mentioned mining lease(s) was sent on 7-4-2000 to the lessee - Shri Peter Francis Fernandes, and the lessor, the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 6-12-1954 held by the lessee. The case was also taken up for hearing on 15-5-2000 at Goa for enabling both the parties to put forward their case. The above show cause notice was, however, returned by the postal authorities undelivered.

3. Therefore, as per Rule 15 (b) of the Mining Leases (Modification of Terms) Rules, 1956, this office has published the show cause notice to bring in the knowledge of the lessee on 24th & 25th September, 2000 in the three local newspapers, namely (i) Tarun Bharat (ii) Navhind & (iii) Gomantak of Goa where the lease(s) is situated. It was directed to submit the reply to the show cause notice within 30 days from the date of notification and also send the return as per the schedule under Rule 5(1) of the Mining Leases (Modification of Terms) Rules 1956 to this office. The case was also taken up for hearing on 15-5-2000 at Goa for enabling lessee and lessor to put forward their case before the modification.

The lessee has furnished returns within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice alongwith the affidavit dated 9-10-2000 to abide by the provisions of Mines and Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his lease(s). However, the lessee and the lessor has neither appeared on the

time and date of hearing fixed at Goa nor deputed their representative for the purpose.

4. It would be relevant to mention.—

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.
- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal application have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modifications of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

5. Under the above circumstances, the modification of the lease(s) was made on the basis of information received for lessee and available with this office, to bring this lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 (Ten) sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2001.

Order

Case No. CML/Z-729/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 21-9-1959(50/59) for Iron/ /Manganese held by M/s. Mineral Trading Company, Near Custom House, Panjim-Goa for permanent period, area 64.9620 hectares in Village(s): Massordem, Taluka: Satari, district North Goa, of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of the lease is limited to 64.9620 hectares only.
- (ii) **Period:** No change is made as the period of lease is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 11th January, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-729/2000

Name of the lessee : M/s. Mineral Trading Company,
Mineral Ore Producers,
Near Custom House,
Panjim, Goa.

Date of the lease : 21-9-1959 (50/59)

Mineral(s) : Iron/Manganese

Area and Location : 64.9620 hectares
Village: Massordem
Taluka - Satari

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of Mining Leases (Modification of Terms) Rules, 1956, a show cause notice containing the proposals for modification of the above mentioned mining lease(s) was sent on 7-4-2000 to the lessee - M/s. Mineral Trading Company, Goa, and the lessor, the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 21-9-59 held by the lessee. The case was also taken up for hearing on 15-5-2000 at Goa for enabling both the parties to put forward their case. The above show cause notice was, however, returned by the postal authorities undelivered.

3. Therefore, as per Rule 15 (b) of the Mining Leases (Modification of Terms) Rules, 1956, this office has published the show cause notice to bring in the knowledge of the lessee on 24th & 25th September, 2000 in the three local newspapers, namely (i) Tarun Bharat

(ii) Navhind & (iii) Gomantak of Goa where the lease(s) is situated. It was directed to submit the reply to the show cause notice within 30 days from the date of notification and also send the return as per the schedule under Rule 5(1) of the Mining Leases (Modification of Terms) Rules, 1956 to this office. The case was also taken up for hearing on 15-5-2000 at Goa for enabling lessee and lessor to put forward their case before the modification.

The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish the returns within the stipulated time under sub-Rule (1) of the Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice. However, no representative from the State Government was also present on the date of hearing at Goa.

4. It would be relevant to mention.—

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w. e. f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease (s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.
- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal application have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modifications of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

5. Under the above circumstances, there is no alternative than to proceed *ex parte* for modification of the lease(s) on the basis of information available with this office, to bring this lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rule made thereunder.

6. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 (Ten) sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2001.

Order

Case No. CML/Z-651/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 29-8-1958(48/58) for Iron held by Shri Caxinata Deu Saunto Talaulicar, Ponda, Goa, for permanent period, area 97.5474 hectares in Village(s): Cudnem, Taluka: Bicholim, district North Goa, of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 97.5474 hectares only.
- (ii) Period: No change is made as the period of lease is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-651/2000

Name of the lessee : Shri Caxinata Deu Saunto
Talaulicar,
Mine owner,
Talaulim, Ponda,
Goa.

Date of the lease : 29-8-1958 (48/58)

Mineral(s) : Iron

Area and Location : 97.5474 hectares
Village : Cudnem
Taluka : Bicholim

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of Mining Leases (Modification of Terms) Rules, 1956, a show cause notice containing the proposals for modification of the above mentioned mining lease(s) was sent on 5-4-2000 to the lessee – Shri Caxinata Deu Saunto Talaulicar and the lessor, the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 29-8-58 held by the lessee. The case was also taken up for hearing on 15-5-2000 at Goa for enabling both the parties to put forward their case. The above show cause notice was, however, returned by the postal authorities undelivered.

3. Therefore, as per Rule 15 (b) of the Mining Leases (Modification of Terms) Rules, 1956, this office has published the show cause notice to bring in the knowledge of the lessee on 24th & 25th September, 2000 in the three local newspapers, namely (i) Tarun Bharat (ii) Navhind & (iii) Gomantak of Goa where the lease(s) is situated. It was directed to submit the reply to the show cause notice within 30 days from the date of notification and also send the return as per the schedule under Rule 5(1) of the Mining Leases (Modification of Terms) Rules 1956 to this office. The case was also taken up for hearing on 15-5-2000 at Goa for enabling lessee and lessor to put forward their case before the modification.

The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish the returns within the stipulated time under sub-rule (1) of the Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice. However, no representative from the State Government was also present on the date of hearing at Goa.

4. It would be relevant to mention—

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w. e. f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.
- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal application have been made on

the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modifications of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

5. Under the above circumstances, there is no alternative than to proceed exparte for modification of the lease(s) on the basis of information available with this office, to bring this lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 (Ten) sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2001.

Order

Case No. CML/Z-62/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 8-5-1950(23/50) for Iron/Manganese held by Shri Mandyam A. Parthasarathy, Pernem, Goa for permanent period area 100.0000 hectares in Village(s): Zolurem, Taluka: Pernem, district Goa, of State Goa.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of the lease is limited to 100.0000 hectares only.
- (ii) **Period:** No change is made as the period of lease is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-62/2000

Name of the lessee : Shri Mandyan A. Parthasarathy,
Mine owner, P.B. No. 344,
Zolurem, Pernem, Goa.

Date of the lease : 8-5-1950 (23/50)

Mineral(s) : Iron/Manganese

Area and Location : 100.0000 Hectares
Village : Zolurem
Taluka : Pernem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of Mining Leases (Modification of Terms) Rules, 1956, a show cause notice containing the proposals for modification of the above mentioned mining lease(s) was sent on 7-4-2000 to the lessee - Shri Mandyam A. Parthasarathy, Goa and the lessor, the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 8-5-50 held by the lessee. The case was also taken up for hearing on 15-5-2000 at Goa for enabling both the parties to put forward their case. The above show cause notice was, however, returned by the postal authorities undelivered.

3. Therefore, as per Rule 15 (b) of the Mining Leases (Modification of Terms) Rules, 1956, this office has published the show cause notice to bring in the knowledge of the lessee on 24th & 25th September, 2000 in the three local newspapers, namely (i) Tarun Bharat (ii) Navhind & (iii) Gomantak of Goa where the lease(s) is situated. It was directed to submit the reply to the show cause notice within 30 days from the date of notification and also send the return as per the schedule under Rule 5(1) of the Mining Leases (Modification of Terms) Rules 1956 to this office. The case was also taken up for hearing on 15-5-2000 at Goa for enabling lessee and lessor to put forward their case before the modification.

The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish the returns within the stipulated time under sub-rule (1) of the Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice. However, no representative from the State Government was also present on the date of hearing at Goa.

4. It would be relevant to mention—

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.
- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal application have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modifications of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

5. Under the above circumstances, there is no alternative than to proceed ex parte for modification of the lease(s) on the basis of information available with this office, to bring this lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 (Ten) sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2001.

Order

Case No. CML/Z-109/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 13-4-1951(29/51) for Iron & Manganese held by M/s. Damu Naique for permanent period, area 24.2500 hectares in Village(s): Sulcorna Taluka: Quepem, District: Goa, of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 24.2500 hectares only.
- (ii) Period: No change is made as the period of the lease is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of

mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-109/2000

Name of the lessee : M/s. Damu Naique,
C/o Kiran J. Podiar, Paroda,
House No. 121,
P. O. Quepem, Goa.

Date of the lease : T. C. No. 29 of 13-4-1951

Mineral(s)

Area and Location : 24.2500 hectares
Village : Sulcorna
Taluka : Quepem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of Mining Leases (Modification of Terms) Rules, 1956, a show cause notice containing the proposals for modification of the above mentioned mining lease(s) was sent on 8-5-2000 to the lessee - M/s. Damu Naique, and the lessor, the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 13-4-1951 held by the lessee. The case was also taken up for hearing on 26-6-2000 at Goa for enabling both the parties to put forward their case. The above show cause notice was, however, returned by the postal authorities undelivered.

3. Therefore, as per Rule 15 (b) of the Mining Leases (Modification of Terms) Rules, 1956, this office has published the show cause notice to bring in the knowledge of the lessee on 24th & 25th September, 2000 in the three local newspapers, namely (i) Tarun Bharat

(ii) Navhind & (iii) Gomantak of Goa where the lease(s) is situated. It was directed to submit the reply to the show cause notice within 30 days from the date of notification and also send the return as per the schedule under Rule 5(1) of the Mining Leases (Modification of Terms) Rules, 1956 to this office. The case was also taken up for hearing on 26-6-2000 at Goa for enabling lessee and lessor to put forward their case before the modification.

The lessee has furnished returns within the stipulated time under sub-Rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice alongwith the affidavit dated 23-10-2000 to abide by the provisions of Mines and Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his lease(s). However, the lessee and the lessor has neither appeared on the time and date of hearing fixed at Goa nor deputed their representative for the purpose.

4. It would be relevant to mention—

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.
- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint

is put by the order of the Hon'ble Supreme Court of India for control of modifications of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

5. Under the above circumstances, the modification of the lease(s) was made on the basis of information received from lessee and available with this office, to bring this lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 (Ten) sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957. In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 11th January, 2001.

Order

Case No. CML/Z-288/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas 35 cases were registered for the modification of terms of 35 mining leases dated as per enclosed list held by M/s. S. Kantilal & Co. Ltd, Margao, Goa for permanent period, area 2635.8623 hectares in Village(s): as per enclosed list (Annexure I) district South Goa, of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: Out of existing 35 leases covering 2635.8623 hectares area, 999.4053 hectares area of 12 leases

is permitted for retention and 1636.4570 hectares excess area of 23 leases is reduced under Modification as list enclosed (Annexure-I, II & III)

- (ii) Period: No change is made as the period of the lease(s) is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. It is Further clarified that the State Government of Goa (Lessor) shall pay compensation to the lessee under Rule 9 of Mining Leases (Modification of Terms) Rules, 1956 for the area reduced due to Modification. The amount of compensation shall be determined in the manner & in accordance with the principles set out under Rule 10 of Mining Leases (Modification of Terms) Rules, 1956.

6. This order shall take effect from the date of this order.

7. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 5th January, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-288/2000

Name of the lessee : M/s. S. Kantilal & Company Limited,
Salgaocar Chambers, Post Box No. 35,
Margao, Goa.

Date of the lease Mineral(s) Area and Location } As per list enclosed

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - M/s. S. Kantilal & Company Limited, Margao, Goa and the lessor, the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as per list enclosed held by the lessee.

3. The case was also taken up for hearing on 25-8-1999 & 9-12-1999 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 16-7-1999, 21-9-1999, 23-9-1999 & 4-10-1999.

However, no representative of State Government (Lessor) was present on the above date of hearing.

5. It would be relevant to mention—

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.
- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period

from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modifications of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 25-8-1999 & 9-12-1999 the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, 999.4053 hectares area of 12 leases is permitted for retention & 1636.4570 hectares excess area of 23 leases is reduced as mentioned in the enclosed annexures - I, II & III.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 5th January, 2001.

ANNEXURE I

Details of 35 (Thirty five) Mining Leases
held by M/s. S. Kantilal and Company Limited, in the State of Goa.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number of Date & Title	Area in Hectares
1.	Z-709	Margalicho Soddo	Calem, Sanguem, South Goa	Iron	29 of 29-6-1959	100.0000
2.	Z-288	Metacodil Anlitembo	Vadem, Bicholim, Goa	Iron & Manganese	35 of 15-5-1953	30.5840
3.	Z-146	Poxelacho	Maida of Colem, Sanguem, South Goa	Iron & Manganese	66 of 14-12-1951	99.0812
4.	Z-442	Doro	Salginem, Sanguem, South Goa	Iron	44 of 6-12-1954	93.1900
5.	Z-147	Gonesgudi Dongor	Rumademo of Netrolim, Sanguem, South Goa	Iron & Manganese	67 of 14-12-1951	34.0000
6.	Z-200	Nansaconda Nassaconda	Naiquinim, Sanguem, South Goa	Iron & Manganese	50 of 2-6-1952	48.2000
7.	Z-168	Kairad & Talaoili	Villiena of Bati, Sanguem, South Goa	Iron & Manganese	18 of 29-2-1952	46.9800
8.	Z-323	Dabacho dongor	Netorlim, Sanguem, South Goa	Iron & Manganese	70 of 31-7-1953	22.2000
9.	Z-246	Cajucodil mola Calia Mordi	Villiena of Bati, Sanguem, South Goa	Iron & Manganese	96 of 14-11-1952	32.0000
10.	Z-501	Mida	Naiquinim, Sanguem, South Goa	Iron & Manganese	12 of 11-4-1956	52.2750
11.	Z-37	Molhadvona Conoramoli	Sancordem, Sanguem, South Goa	Iron	16 of 23-12-1949	85.2900
12.	Z-539	Kariamola	Bati, Sanguem, South Goa	Iron	49 of 19-12-1956	98.7000
13.	Z-520	Gonsumoddi	Bati, Sanguem, South Goa	Iron	30 of 22-8-1956	100.0000
14.	Z-211	Zamsodo or Capiacodichem	Bati, Sanguem, South Goa	Iron & Manganese	61 of 18-7-1952	50.8200
15.	Z-526	Bamannulcadem	Bati, Sanguem, South Goa	Iron	36 of 29-8-1956	97.9400
16.	Z-210	Asnidongor	Curdi, Sanguem, South Goa	Iron & Manganese	60 of 18-7-1952	43.6250
17.	Z-167	Toliaoilo Jambol	Villiena, Sanguem, South Goa	Iron & Manganese	17 of 29-2-1952	94.9000
18.	Z-44	Paicatembo	Salqulim, Sanguem, South Goa	Iron	5 of 23-1-1950	94.5200
19.	Z-494	Niulitembo Fatratembo	Bati, Sanguem, South Goa	Iron	5 of 8-2-1956	99.9900
20.	Z-572	Carimol Charidimol	Cumbari, Sanguem, South Goa	Iron	31 of 12-8-1957	98.3600
21.	Z-591	Kelledongor	Datre of dongor, Sanguem, South Goa	Iron & Manganese	50 of 14-10-1957	97.2800

1	2	3	4	5	6	7
22.	Z-573	Madanrica	Bati, Sanguem, South Goa	Iron	32 of 12-8-1957	116.7720
23.	Z-154	Melcadongor	Sancordem, Sanguem, South Goa	Iron & Manganese	4 of 1-2-1952	73.8000
24.	Z-653	Paicatembo e Adjacentes	Bati, Sanguem, South Goa	Iron	49 of 12-9-1958	29.5150
25.	Z-475	Vdolkem e Madia Vangana	Sancirdem, Sanguem, South Goa	Iron	28 of 16-7-1955	97.2830
26.	Z-24	Shirgal Muddi	Salauli, Sanguem, South Goa	Iron & Manganese	3 of 13-6-1949	99.7319
27.	Z-151	Anvladongor	Molcornem, Quepem, South Goa	Iron & Manganese	1 of 4-1-1959	80.7500
28.	Z-747	Gogole Galli Sorod	Curdi, Sanguem, South Goa	Iron	68 of 28-9-1959	23.0200
29.	Z-784	Matatembo e Tolleteambo	Bati, Sanguem, South Goa	Iron	20 of 17-6-1960	108.6452
30.	Z-769	Matas de Sida	Salauli, Quepem, South Goa	Iron	5 of 29-1-1960	94.5200
31.	Z-741	Poini Salauli e ter adjacentes	Salauli, Sanguem, South Goa	Iron	62 of 28-9-1959	87.2000
32.	Z-519	Villipares	Bati, Sanguem, South Goa	Iron	29A of 22-8-1956	98.3150
33.	Z-98	Gottovo Dongor	Netorlim, Sanguem, South Goa	Iron & Manganese	17 of 2-3-1951	44.0750
34.	Z-744	Dignem soddoo Gantanamola	Curdi, Sanguem, South Goa	Iron	65 of 28-9-1959	97.3000
35.	Z-495*	—	Bati, Sanguem, South Goa	Iron & Manganese	6 of 14-3-1956	65.0000
					Total of 35 Leases	2635.8623

* Not in Schedule

ANNEXURE II

Details of 12 (Twelve) Mining Leases

held by M/s. S. Kantilal and Company Limited, in the Goa State is permitted for retention
under MM (DR) Act, 1957.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number of Date & Title	Area in hectares
1.	Z-709	Margalicho Soddo	Calem, Sanguem, South Goa	Iron	29 of 29-6-1959	100.0000
2.	Z-146	Poxelacho Soddo	Vadem, Bicholim, Goa	Iron & Manganese	35 of 15-5-1953	99.0812
3.	Z-200	Nansaconda Nassaconda	Naiquinim, Sanguem, South Goa	Iron & Manganese	50 of 2-6-1952	48.2000

1	2	3	4	5	6	7
4.	Z-323	Dobachadongor	Netorlim, Sanguem, South Goa	Iron & Manganese	70 of 31-7-1953	22.2000
5.	Z-520	Gonsumoddi	Bati, Sanguem, South Goa	Iron	30 of 22-8-1956	100.0000
6.	Z-44	Paicatembo	Salaulim, Sanguem, South Goa	Iron	5 of 23-1-1956	94.5200
7.	Z-494	Niulitembo	Bati, Sanguem, South Goa	Iron	5 of 8-2-1956	99.9900
8.	Z-573	Madanrica	Bati, Sanguem, South Goa	Iron	32 of 12-8-1957	116.7720
9.	Z-653	Paicatembo e Adjacentes	Bati, Sanguem, South Goa	Iron	49 of 12-9-1958	29.5150
10.	Z-24	Shirgal Muddi	Saluili, Sanguem, South Goa	Iron & Manganese	3 of 13-6-1949	99.7319
11.	Z-151	Anvladongor	Molcornem, Quepem, South Goa	Iron & Manganese	1 of 4-1-1952	80.7500
12.	Z-784	Matatembo e Tolletembo	Bati, Sanguem, South Goa	Iron	20 of 17-6-1960	108.6452
Total of 12 leases						999.4053

ANNEXURE III

Details of 23 (Twenty three) Mining Leases
held by M/s. S. Kantilal and Company Limited, Goa in the Goa State having excess area than prescribed
under MM (DR) Act, 1957 which was reduced.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number, Date & Title	Area in hectares
1.	Z-288	Metacodil Anlitembo	Vadem, Bicholim, Goa	Iron & Manganese	35 of 15-5-1953	30.5840
2.	Z-442	Doro	Salginem, Sanguem, South Goa	Iron	44 of 6-12-1954	93.1900
3.	Z-147	Gonesgudi Dongor	Rumademo of Netrolim, Sanguem, South Goa	Iron & Manganese	67 of 14-12-1951	34.0000
4.	Z-168	Kairad & Talaoili	Villiena of Bati, Sanguem, South Goa	Iron & Manganese	18 of 29-2-1952	46.9800
5.	Z-246	Cajucodil mola Calia Mordi	Villiena of Bati, Sanguem, South Goa	Iron & Manganese	96 of 14-11-1952	32.0000
6.	Z-501	Mida	Naiquinim, Sanguem, South Goa	Iron & Manganese	12 of 11-4-1956	52.2750
7.	Z-37	Molhadvona Conoramoli	Sancordem, Sanguem, South Goa	Iron	16 of 23-12-1949	85.2900
8.	Z-539	Kariamola	Bati, Sanguem, South Goa	Iron	49 of 19-12-1956	98.7000

1	2	3	4	5	6	7
9.	Z-211	Zamsodo or Capiacodichem	Bati, Sanguem, South Goa	Iron & Manganese	61 of 18-7-1952	50.8200
10.	Z-526	Bamannulcadem	Bati, Sanguem, South Goa	Iron	36 of 29-8-1956	97.9400
11.	Z-210	Asnidongor	Curdi, Sanguem, South Goa	Iron & Manganese	60 of 18-7-1952	43.6250
12.	Z-167	Toliaoilo Jambol	Villiena, Sanguem, South Goa	Iron & Manganese	17 of 29-2-1952	94.9000
13.	Z-572	Carimol Charidimol	Cumbari, Sanguem, South Goa	Iron	31 of 12-8-1957	98.3600
14.	Z-591	Kelledongor	Datre of dongor, Sanguem, South Goa	Iron & Manganese	50 of 14-10-1957	97.2800
15.	Z-154	Melcadongor	Sancordem, Sanguem, South Goa	Iron & Manganese	4 of 1-2-1952	73.8000
16.	Z-475	Vdolxeme Madia Vangana	Sancirdem, Sanguem, South Goa	Iron	28 of 16-7-1955	97.2830
17.	Z-747	Gogole Galli Sorod	Curdi, Sanguem, South Goa	Iron	68 of 28-9-1959	23.0200
18.	Z-769	Matas de Sida	Salauli, Quepem, South Goa	Iron	5 of 29-1-1960	94.5200
19.	Z-741	Poini Salauli e ter adjacentes	Salauli, Sanguem, South Goa	Iron	62 of 28-9-1959	87.2000
20.	Z-519	Villipares	Bati, Sanguem, South Goa	Iron	29A of 22-8-1956	98.3150
21.	Z-98	Gottovo Dongor	Netorlim, Sanguem, South Goa	Iron & Manganese	17 of 2-3-1951	44.0750
22.	Z-744	Dignem soddoo Gantanamola	Curdi, Sanguem, South Goa	Iron	65 of 28-9-1959	97.3000
23.	Z-495*	—	Bati, Sanguem, South Goa	Iron & Manganese	6 of 14-3-1956	65.0000
Total of 23 Leases						1636.4570

* Not in Schedule

Order

Case No. Z-623/2001

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas 25 (Twenty five) cases were registered for the modification of terms of 25 mining leases dated as per enclosed list (Annexure I) for Iron/Manganese held by M/s. V. M. Salgaocar & Brothers Ltd., Vasco-da-Gama, Goa, for permanent period, area 1863.5998 hectares in Village(s) as per enclosed list (Annexure I) district South Goa, of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: Out of existing 25 (Twenty five) leases covering 1863.5998 hectares area, 988.4363 hectares area of 13 (Thirteen) leases is permitted of retention and 875.1635 hectares excess area of 12 (Twelve) leases is reduced under Modification as per list enclosed (Annexure-I, II & III)
- (ii) Period: No change is made as the period for the lease(s) is already modified as per provisions of the Goa, Daman & Diu, Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.

(iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. It is further clarified that the State Government of Goa (Lessor) shall pay compensation to the lessee under Rule 9 of Mining Leases (Modification of Terms) Rules, 1956 for the area reduced due to Modification. The amount of compensation shall be determined in the manner & in accordance with the principles set out under Rule 10 of Mining Leases (Modification of Terms) Rules, 1956.

6. This order shall take effect from the date of this order.

7. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 16th January, 2001.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-623/2001

Name of the lessee : M/s. V. M. Salgaocar & Brothers Ltd.,
Salgaocar House, Francisco Luis Road,
Post Box No. 14, Vasco-da-Gama, Goa, 403 802.

Date of the lease	} As per enclosed list. (Annexure-I)
Mineral(s)	
Area and Location	
Period	

As per enclosed list.
(Annexure-I)

Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee-M/s. V. M. Salgaocar & Brothers Ltd., Vasco-da-Gama, Goa and the - lessor the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as per enclosed list held by the lessee.

3. The case was also taken up for hearing on 9-12-99 & 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 9-12-99 & 21-2-2000 at Goa, the lessee was represented by his Advocate/representatives. The lessee has submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16 (1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing and thereafter:-

- iii) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- iv) affidavit(s) date 4-12-99, 17-2-2000 & 18-2-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).
- v) A copy of the letter(s) dated 20th June, 2000 addressed to the Secretary, Industries & Mines,

Government of Goa requesting for Government permission to hold by way of mining lease(s) a total area in excess of 10 sq. kms. under Section 6 (1) of the Mines & Minerals (Regulation & Development) Act, 1957 in view of modification under Mining Leases (Modification of Terms) Rules, 1956 undertaken by the Controller of Mining Leases.

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the

provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

- iii) that the Government permission to hold by way of mining lease(s) of a total area in excess of 10 sq. kms. under Section 6 (1) of Mines & Minerals (Regulation & Development) Act, 1957 has not been submitted by the lessee to this office so far. Thus the modification of the lease(s) held by the lessee may be made as per the existing provisions of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. However, retention of excess area than prescribed limit by the lessee may be considered by the State Government on receipt of the permission of the Central Government under said Act in due course.

6. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, 988.4363 hectares area of 13 (Thirteen) leases is permitted for retention & 875.1635 hectares excess area of 12 (Twelve) leases is reduced as mentioned in the enclosed Annexures-I, II, & III.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

7. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 16th January, 2001.

ANNEXURE I

Details of 25 (Twenty five) Mining Leases
held by M/s. V. M. Salgaocar & Brothers Limited, in the State of Goa

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number of Date & Title	Area in Hectares
1.	Z-623	Margodeachem Palsona	Sonus, Satari, Goa	Iron	19 of 16-6-1958	66.7630
2.	Z-460	Vishnupur Bhataur	Sigao, Sanguem, Goa	Iron	13 of 30-4-1955	70.2300
3.	Z-303	Madiem	Sigao, Sanguem, Goa	Iron & Manganese	50 of 8-6-1953	47.8800
4.	Z-150	Madei	Vantem, Satari, Goa	Iron & Manganese	71 of 21-12-1951	79.4960
5.	Z-360	Issovicm Vangana Voril, dongor	Melauli, Satari, Goa	Iron	115 of 30-10-1953	90.7000
6.	Z-212	Matteo Dando	Velguem, Bicholim, Goa	Iron	62-B of 18-7-1952	52.6600
7.	Z-445	Cala Pandicho Sodo ETC.	Sigao, Sanguem, Goa	Iron & Manganese	47 of 6-12-1954	56.3000
8.	Z-423	Pladiche Tour	Vantem, Satari, Goa	Iron & Manganese	25 of 19-3-1954	52.1000
9.	Z-647	Coinmola-Voril	Sigao, Sanguem, Goa	Iron	43 of 29-8-1958	58.0100
10.	Z-233	Mar dondo & Barcati	Surla, Bicholim, Goa	Iron & Manganese	83 of 3-10-1952	93.9500
11.	Z-358	Mardando E Partinless	Surla, Bicholim, Goa	Iron	29 of 19-4-1954	73.2463
12.	Z-463	Malpona Vangavoril Dongor	Malpona, Satari, Goa	Iron & Manganese	18 of 2-7-1955	84.7040
13.	Z-529	Malpona Culnavoril Dongor	Malpona, Satari, Goa	Iron	39 of 17-10-1956	53.8900
14.	Z-534	Surlavain Ganacho Vandivoril	Surla & Aglote, Sanguem, Goa	Iron	44 of 7-11-1956	92.6000
15.	Z-169	Bolcornem	Aglote, Sanguem, Goa	Iron & Manganese	19 of 29-2-1952	100.0000
16.	Z-280	Tenquede Bol Cornem	Aglote, Sanguem, Goa	Iron & Manganese	27 of 13-4-1953	78.4000
17.	Z-227	Pet-Paga-Dongor Bainem	Sanvordem, Sanguem, Goa	Iron & Manganese	77 of 12-9-1952	59.7120
18.	Z-530	Gaivad Dongor	Aglote, Sanguem, Goa	Iron	40 of 17-10-1956	93.8400
19.	Z-71	Mitto	Revora, Bardez, Goa	Iron & Manganese	32 of 7-7-1950	34.2655

1	2	3	4	5	6	7
20.	Z-640	Folia Dongor	Morlem, Satari, Goa	Iron	36 of 11-8-1958	98.1580
21.	Z-641	Uniade Jumbo	Mollem, Sanguem, Goa	Iron	37 of 11-8-1958	97.9080
22.	Z-492	Goteacho Tembo	Malpona, Satari, Goa	Iron & Manganese	3 of 1-2-1956	100.0000
23.	Z-652	Xedicho Tembo	Poriem, Satari, Goa	Iron & Manganese	47 of 29-8-1958	95.1000
24.	Z-459	Saunri Batcho Soddo	Velguem, Bicholim, Goa	Iron	12 of 30-4-1955	34.6280
25.	Z-650	Culpasta Chotembo	Melauli, Satari, Goa	Iron	46 of 29-8-1958	99.0590
Total of 25 Leases						1863.5998

ANNEXURE II

Details of 13 (Thirteen) Mining Leases held by
M/s. V. M. Salgaocar & Brothers Limited,
in the State of Goa permitted for retention under MM (DR) Act, 1957.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number, Date & Title	Area in hectares
1.	Z-368	Issovicm Vangana Voril, Dongor	Melauli, Satari, Goa	Iron	115 of 30-10-1953	90.7000
2.	Z-233	Mar dondo & Barcati	Surla, Bicholim, Goa	Iron & Manganese	83 of 3-10-1952	93.9500
3.	Z-623	Margodeachem Palsona	Sonus, Satari, Goa	Iron	13 of 16-6-1958	66.7630
4.	Z-303	Madiem	Sigao, Sanguem, Goa	Iron & Manganese	50 of 8-6-1953	47.8800
5.	Z-212	Matteo Dando	Velguem, Sanguem, Goa	Iron	62-B of 18-7-1952	52.6600
6.	Z-445	Cala Pandicho Sodo ETC.	Sigao, Sanguem, Goa	Iron & Manganese	47 of 6-12-1954	56.3000
7.	Z-423	Placiche Tour	Vantem, Satari, Goa	Iron & Manganese	25 of 19-3-1954	52.1000
8.	Z-358	Mardando E Partinless	Surla, Bicholim, Goa	Iron	29 of 19-4-1954	73.2463
9.	Z-227	Pet-Paga Dongor Bainem	Sanvordem, Sanguem, Goa	Iron & Manganese	77 of 12-9-1952	59.7120
10.	Z-650	Culpasta Chotembo	Melauli, Satari, Goa	Iron	46 of 29-8-1958	99.0590
11.	Z-640	Folia Dongor	Morlem, Satari, Goa	Iron	36 of 11-8-1958	98.1580
12.	Z-641	Uniade Jumbo	Poriem, Satari, Goa	Iron	37 of 1-2-1958	97.9080
13.	Z-492	Goteacho	Malpona, Satari, Goa	Iron & Manganese	3 of 1-2-1956	100.0000
Total of 11 Leases						988.4363

ANNEXURE III

Details of 12 (Twelve) Mining Leases held by M/s. V. M. Salgaocar & Brothers Limited,
in the State of Goa are reduced having excess area than prescribed under MM (DR) Act, 1957.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number of Date & Title	Area in Hectares
1.	Z-460	Vishnupur Bhataur	Sigao, Sanguem, Goa	Iron	13 of 30-4-1955	70.2300
2.	Z-463	Malpona Vangavoril Dongor	Malpona, Satari Goa	Iron & Manganese	18 of 2-7-1955	84.7040
3.	Z-529	Malpona Culnavoril Dongor	Malpona, Satari, Goa	Iron	39 of 17-10-1956	53.8900
4.	Z-150	Madei	Vantem, Satari, Goa	Iron & Manganese	71 of 21-12-1951	79.4960
5.	Z-647	Coinmola-voril	Sigao, Sanguem, Goa	Iron	43 of 29-8-1958	58.0100
6.	Z-534	Surlavain Ganacho	Surla & Aglote, Sanguem, Goa	Iron	44 of 7-11-1956	92.6000
7.	Z-169	Bolcornem	Aglote, Sanguem, Goa	Iron & Manganese	19 of 29-2-1956	100.0000
8.	Z-530	Gaivad Dongor	Aglote, Sanguem, Goa	Iron	40 of 17-10-1956	93.8400
9.	Z-652	Xedicho Tembo	Poriem, Satari, Goa	Iron & Manganese	47 of 29-8-1958	95.1000
10.	Z-280	Tenquede Bol Cornem	Aglote, Sanguem, Goa	Iron & Manganese	27 of 13-4-1953	78.4000
11.	Z-71	Mitto	Revora, Bardez, Goa	Iron & Manganese	32 of 7-7-1950	34.2655
12.	Z-459	Saunri Batcho Soddo	Velguem, Bicholim, Goa	Iron	12 of 30-4-1955	34.6280
Total of 12 Leases						875.1635